

IN RE: PETITION FOR RESIDENTIAL	* BEFORE THE
ZONING VARIANCE	
ES of Ridgely Avenue, 600 ft. N	* ZONING COMMISSIONER
of the c/l of Orbitan Road	
9423 Ridgely Avenue	* OF BALTIMORE COUNTY
11th Election District	
6th Councilmanic District	* Case No. 99-97-A
Dennis A. Brazil, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Dennis A. Brazil and Cynthia A. Brazil, his wife, for that property known as 9423 Ridgely Avenue in the Parkville section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory building (shed) in the front yard, in lieu of the rear yard, in a D.R.5.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

OFFICE RECEIVED FOR FILING
 Date 10/6/98
 By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 2, 1998

Mr. and Mrs. Dennis A. Brazil
9423 Ridgely Avenue
Baltimore, Maryland 21234

RE: Petition for Administrative Variance
Case No. 99-97-A
Property: 9423 Ridgely Avenue

Dear Mr. and Mrs. Brazil:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9423 Ridgely Avenue
which is presently zoned DR5.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 to permit an accessory building (shed) in the front yard
in lieu of the rear yard

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Poor access to back of property
Back of property is wetlands

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s).

Dennis Aiken Brazil

(Type or Print Name)

Dennis Brazil

Signature

Cynthia Ann Brazil

(Type or Print Name)

Cynthia A. Brazil

Signature

9423 Ridgely Ave. 410
Baltimore MD 21234 445-0703

Address

Phone No

Baltimore

MD

21234

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: mk

DATE

9/13/98

ESTIMATED POSTING DATE:

9/13/98



Printed with Soybean Ink
on Recycled Paper

ITEM #: 97

99-97-A

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9423 R Idgely Avenue
address
Baltimore MD 21231
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

We need to build a storage shed for our mower and other garden tools. The back of property is wetlands and has poor access which is reason for this request for a variance to build in the front area of the property.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Dennis Brazil
(signature)
DENNIS BRAZIL
(type or print name)



Cynthia A. Brazil
(signature)
Cynthia A. Brazil
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of August, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Dennis Brazil & Cynthia Brazil

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 31, 1998
date

NOTARY PUBLIC

My Commission Expires:

September 1, 1999

A-29-99

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9423 Ridgely Avenue
address
Baltimore, MD 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

We need to build a storage shed for our mower and other garden tools. The back of house (property) is wetlands and has poor access which is reasonable request for a variance to build in the front area of the property.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Dennis Brazil
(signature)
DENNIS BRAZIL
(type or print name)



Cynthia A Brazil
(signature)
Cynthia A. Brazil
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of August, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Dennis Brazil & Cynthia Brazil

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 31, 1998
date

[Signature]
NOTARY PUBLIC

My Commission Expires:

September 1, 1999

A-TP-PP



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

9423 Ridgely Avenue

which is presently zoned DR 5.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 to permit an accessory building (shed) in the front yard
in lieu of the rear yard

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Poor access to back of property
Back of property is wet lands

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s).

Dennis Allen Brazil
(Type or Print Name)

Dennis Brazil
Signature

Cynthia Ann Brazil
(Type or Print Name)

Cynthia A Brazil
Signature

9423 Ridgely Ave.
Address

410
665-0703
Phone No

Baltimore
City

MD
State

21234
Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: SMK

DATE: 9/13/98

ESTIMATED POSTING DATE: 9/13/98



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on Recycled Paper

ITEM #: 97

99-97-A

Zoning Description

ZONING DESCRIPTION FOR 9423 Ridgely Avenue

Beginning at a point on the East side of
Ridgely Avenue, which is 50 feet
wide at the distance of 600 feet North of
the centerline of the nearest improved intersecting street Orbitan Road
which is 50 feet wide. Being Lot # 135,136,137,138,
Block n/a, Section # n/a, in the subdivision of Carneys Grove
as recorded in the Baltimore County Plat Book # 7, Folio # 20,
containing 27,540 sq. ft. or .63 acres. Also known as 9423 Ridgely Avenue
and located in the 11th Election District, 6th Councilmanic District.

97

99-97-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **054710**

DATE 9/3/98 ACCOUNT 01-615

Interphase - 99-97-A

By: MTK

AMOUNT \$ 50.00

RECEIVED FROM: Dennis + Cynthia Brazil

FOR: OIO - Rio Variance - 9423 Ridgely Ave

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

99-97-A

CASHIER'S VALIDATION

PAID RECEIPT
PROCESS ACTUAL TIME
9/03/1998 9/03/1998 10:58:00
BY: MTK CASHIER TELLER DML DML-DES 2
5 MISCELLANEOUS CASH RECEIPT
Receipt # 066660
OR NO. 054710
50.00 CREDIT
Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: Case # 99-97-A
Petitioner/Developer:
(Dennis Brazil)
Date of Hearing/Closing:
(Sept. 28, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention : Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

9423 Ridgely Ave. Baltimore, Maryland 21234 _____

The sign(s) were posted on _____ Sept. 11, 1998
(Month, Day, Year)

Sincerely,

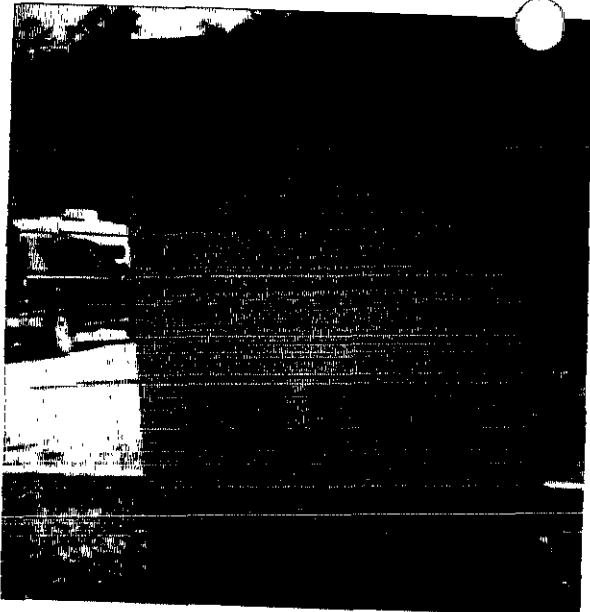

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 99- 97 -A Address 9423 Ridgely AveContact Person: Mitchell J. Kellman Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 9/3/98 Posting Date: 9/13/98 Closing Date: 9/28/98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 99- 97 -A Address 9423 Ridgely AvePetitioner's Name Dennis + Cynthia Brazil Telephone (410) 665-6703Posting Date: 9/13/98 Closing Date: 9/28/98Wording for Sign: To Permit an accessory building (shed) in the
front yard in lieu of the rear yard.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-97-A

Petitioner: Dennis & Cynthia Brazil

Address or Location: 9423 Ridgely Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dennis & Cynthia Brazil

Address: 9423 Ridgely Ave
Baltimore, MD 21234

Telephone Number: (410) 465-7103



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 28, 1998

Mr. & Mrs. Dennis Brazil
9423 Riddgely Avenue
Baltimore, MD 21234

RE: Item No.: 97
Case No.: 99-97-A
Location: 9423 Ridgely Ave.

Dear Mr. & Mrs. Brazil:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on September 3, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

Date: 3.11.94

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

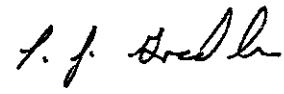
RE: Baltimore County
Item No. 097 MJK

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: September 11, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

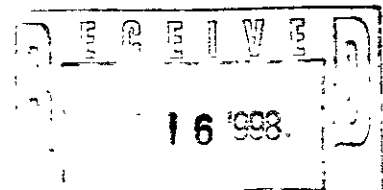
The Planning Office has no comments on the following petition (s):

Item No. 95, 96, 97, 99, and 100

If there should be any questions or if this office can provide additional information,
please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief: Jeffrey W. Long

AFK/JL





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

September 15, 1998

TO: Arnold Jablon, Director
Permits and Development Management
MAIL STOP-1105

FROM: LT. ROBERT P. SAUERWALD
FIRE MARSHAL OFFICE
MAIL STOP - 1102F, PHONE 887-4881

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 14, 1998.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 091, 092, 093,
094, 095, 096, 097, 099 AND 100.



502.85	177	386.3
504.55	176	381.04
506.24	175	375.71
507.94	174	370.38
509.63	173	365.06
511.33	172	359.73
513.02	171	354.40
514.72	170	349.09
516.41	169	343.76
518.11	168	338.44
519.80	167	333.11
521.50	166	327.78
523.19	165	322.44
524.89	164	317.11
526.58	163	311.79
528.28	162	306.46
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RIDGELS

Maple Tree

553.6'

S. 83° 25' W

#97

N.W. CORNER HARFORD

JOSEPH

99-97-A

J. SPE
CIVIL ENGINEER
SURVEY

CARMI

LOTS F

Get
Set
Go

SU 2470609

LAWYERS ADVANTAGE

102968523

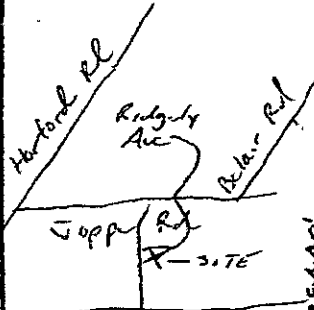
P. 07

OCT 28 '93 05:53AM
OCT 15 '93 10:41

Plot of Property known as # 9423 Ridgely Avenue, also known as Lots 155, 156, 157 & 158 as shown on Plat of "CARNAT GROVE" and recorded among the land records of Baltimore County in Plat Book 7.. Folio 20.

***NOTE: THIS HOUSE IS NOT LOCATED IN THE FLOOD PLAIN.

Vicinity Map

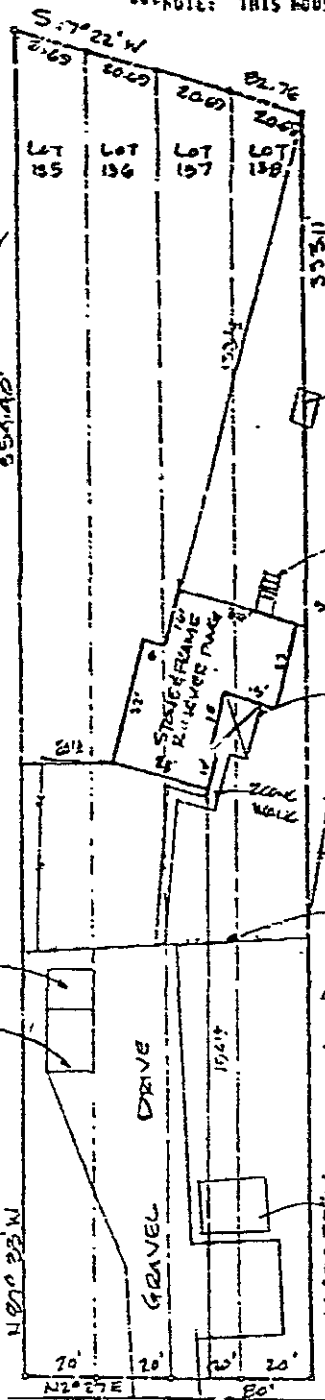


Plan to Accompany
Petition for
Zoning Variance
for
9423 Ridgely
Avenue

Owner: Dennis &
Cynthia Brazil

Existing
METAL SHEED
HOUSEHOLD
FENCE (SPR. AREA)

Site is served
by public water
& sewer, and
not within a
flood plain
or Chesapeake
Bay Critical
Area



30' R/W 1/2 A/R/DUG W/ VAC
RIDGELY AVE

DR5.5 Zoned

SUBFRAMESHED

METAL LATCH & STEPS

CAND WOOD FORM

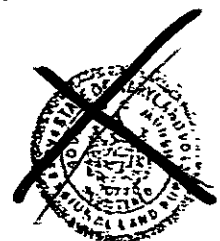
WOOD STOCKADE FENCE

WOOD PICKET FENCE

Lot = .63 acres
200 S.W. map - NE
9E

NOTE: WOOD STOCKADE FENCE
SHED APPEAR TO EXCEED OVER
PROPERTY L.I. & BOUNDARY SURVEY
RECOMMENDED

proposed
shed



Respectfully Submitted

CON LYNCH ASSOC., INC.
4907 HARFORD ROAD
BALTIMORE, MD. 21214

Scale: 1" = 30'

Date: 10/15/93

THIS PLAT IS NOT INTENDED FOR THE USE
IN THE ESTABLISHMENT OF PROPERTY LINES.

This is to certify that the improvements
indicated hereon are located as shown. This is
not a property line survey and should not be
used as such.

Council District 6
Election District 11

99.97-A

97



99.97-A



99-97-A

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 26011

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200'			
DATE		PARKVILLE	NE 9-E
PHOTOGRAPHY JANUARY 1986			

#a1
99-97-A

